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Defender of Ignorance

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DUDLEY G. WOOTEN this month concludes his informative article on Mexican conditions, paying particular attention to the historical phase.

J. CULLEN BROWN was graduated from the University of Notre Dame College of Law in 1926, is the first recipient of the Hoynes Award.

CHARLES PHILLIPS, Professor of Literature at Notre Dame, has recently returned from Mexico, where he made an investigation of the political and religious situation.

A DEFENDER OF IGNORANCE

Writing in the February issue of Harper's Magazine, Newman Levy prefaces his article on *Lawyers and Morals* with this remark: "The practice of law has for generations had the curious, paradoxical reputation of being the most learned, the most dignified and the most distrusted of 'professions'". Then the genial Mr. Levy devotes eight pages to the point that such reputation—or rather the last part of it—is richly deserved. He takes the position of that ancient wit who observed that the terms "a lawyer and a gentleman" are contradictory, that a man cannot be both. The chief contention of Mr. Levy—who incidentally is known more for his quips than for his legal treatises—seems to be that lawyers are essentially hypocritical, that although the lofty Canons of Legal Ethics are professedly worshipped, they are habitually disregarded.

In all of Mr. Levy's effusions there is but one truth expressed: the legal profession is distrusted. The cause for this distrust has not yet been discovered by Mr. Levy. He believes

that whatever suspicion attaches to lawyers is inspired by their own hypocrisy. He errs: the suspicion is generated entirely by the appalling ignorance of presumptuous critics.

Of all the professions, none has for the layman the peculiar fascination of the law. Doctors, working mysteriously with tools unfamiliar to the uninitiated, inspire the greatest awe, but little curiosity. True, old wives sometimes venture to criticize the methods tested by medical science, and eagerly seek to substitute some beloved, heretic remedy; but most people are intelligent enough to discountenance such "cures" and prefer to accept the remedies proved by knowledge. Medicine is too strange, too dangerous, to be tampered with by the uneducated. The other sciences are likewise safe from the busybodies. Engineering is immune: most persons consider mathematical symbols as hieroglyphics and choose to let them be deciphered by specialists. . . . And who cares to dispute the astronomical findings of a Halley or the geological discoveries of a Chamberlin? Surely not the multitudes. The value of abstract research is too obscure to warrant the assiduous study necessary for even semi-intelligent criticism. The very vocabulary of most sciences is sufficient to keep out trespassers.

The law, on the other hand, is safe from no one. Romantic, fascinating, it appeals to all types of people. What old man does not delight in regaling his listeners with courtroom anecdotes? And what person does not enjoy a forensic battle between two clever lawyers? The court is a theater, wherein are daily presented bits both of comedy and tragedy. Into every case are compressed all the elements of drama—character, plot, suspense and all the rest. No other entertainment is comparable to that provided by a *cause celebre*, because in no other is there so much reality. Human acts, human depravities, are substantial, enthralling; every one is curious to learn of the deeds, the mistakes of his fellows. And in the courtroom human acts are constantly dealt with, human depravities constantly exposed.

But the entertainment provided is not the only reason for the interest of the populace. Viewed simply as a science, law is still attractive. Its value is tangible, comprehensible. No one is ignorant of the purpose of law. Everyone knows, at least in a general way, that it attempts to safeguard rights and redress

wrongs. Law is something that touches every single person, the day-laborer as well as the archeologist. All human beings are subject to law; all rely upon it for protection, all must obey its mandates. Now, since the law affects everyone it is no wonder that each man is tremendously interested in its methods and is anxious to watch its machinery. Each person is eager to know how his rights are being protected, how offenders are being punished. He has a right that the most efficient measures be taken, that all wrongs be speedily punished.

Interested as the people naturally are in the law, and keenly cognizant of attempts to protect their own rights, they can not help making a suggestion now and then. It is here that the danger arises. As soon as an evil is believed to exist, methods are immediately urged for its extinction. Unfortunately, the good people forget that often the evil is more apparent than real, that what is seemingly bad may be actually good. The task of determining the quality of acts is a difficult one, not to be attempted by the multitudes. The law, like every other science, is technical. The fact that it has a popular appeal does not make it a plaything for the ignorant. Although it can be seen, it is not always understood. Few can judge of the qualities of acts; few have a definite criterion by which to determine values. The merits of an act do not depend upon the opinions of laborers, nor yet of newspaper writers. Although each of these has certain well-defined rights, it does not follow that he is the best judge of how those rights shall be protected. Many people err in their condemnation of acts merely because they have neither the time nor the ability to get to the essence of things. Hence it is that a lawyer, trained by a life-time course of study to sift down to the essence of acts, drawing therefrom the conclusion most consonant with reason, is apt to state a principle which conflicts with the popular belief. And because his opinion is opposed to popular notions, he is accused of perverting truth. The niceties of reasoning are beyond the comprehension of the average person, and he naturally views with suspicion anyone who contravenes his settled notions. Beyond a certain point (a point which varies according to the receptiveness of the mind) all reasoning is condemned as sophistry.

There is something palpably absurd in an attempt to defend ideas which arise from ignorance. Mr. Levy may well be compared with a man who defends a child's criticisms of trigonometry. Mr. Levy's article may later be cited as one of the most humorous essays he ever wrote (certainly it won't be listed as an intelligent criticism of law) but we doubt even that. Even humor must contain a germ of truth.

C. J. R.